

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Newport News Division)

BUILDERS MUTUAL INSURANCE COMPANY,)
v. Plaintiff,)) Case No. 4:10cv00068-MSD-FBS
PARALLEL DESIGN & DEVELOPMENT LLC, and) formerly:
RICKY L. EDMONDS,) Case No. 3:09CV00800
Defendants.) (Richmond Division)

**PLAINTIFF BUILDERS MUTUAL INSURANCE COMPANY'S REPLY IN FURTHER
SUPPORT OF MOTION FOR A BRIEFING SCHEDULE FOR A MOTION FOR
SUMMARY JUDGMENT**

Plaintiff Builders Mutual Insurance Company ("BMIC"), by counsel, seeks a briefing schedule for a motion for summary judgment. BMIC previously incorporated by reference its Memorandum in Support of Motion for Protective Order. At this time BMIC expressly incorporates its Reply in Support of Motion for Protective Order, filed this same day. This is a pure Eight Corners Rule case – a "duty to defend" declaratory judgment action in which no factual determinations will be made, nor can they be. Instead, under Virginia law, the duty to defend may *only* be determined by a comparison of the Complaint's allegations to the insurance policy. Therefore this case is ripe for summary judgment. Absolutely nothing about Defendant Edmonds' discovery requests are relevant nor reasonably calculated to lead to the discovery of admissible evidence.

For all of the reasons stated above, in the Memorandum in Support of Motion for a Briefing Schedule, the Memorandum in Support of Motion for Protective Order, and the Reply, Builders Mutual Insurance Company respectfully requests that this Court set a date in the near future to argue a Motion for Summary Judgment and establish a concomitant briefing schedule.

Dated: September 8, 2010

Respectfully submitted,

BUILDERS MUTUAL INSURANCE COMPANY

By Counsel

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CERTIFICATE OF SERVICE

I certify that on September 8, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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